

APPEAL NO. 020677
FILED MAY 6, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 19, 2002. The hearing officer resolved the disputed issues before him by determining that the appellant (claimant) did not sustain a compensable injury in the form of a repetitive trauma injury on _____; that the claimant did not have disability; that the claimant failed to notify his employer of a work-related injury pursuant to Section 409.001 and the respondent (carrier) is relieved of liability under Section 409.002; that the claimant did not timely file a claim for compensation with the Texas Workers' Compensation Commission within one year of the alleged injury as required by Section 409.003; and that the claimant does not have good cause for failing to file a claim within one year and the carrier timely contested the claim. The claimant appealed on sufficiency grounds. The carrier responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that he sustained a compensable low back injury on _____, due to repetitive reaching, bending, and lifting; that he reported the injury to his supervisor that same day; that his supervisor informed him that he did not need to fill out a report because he would take care of it; and that the supervisor told the claimant to see a doctor. The carrier submitted evidence that the claimant never reported a work-related injury until after he submitted his claim in December of 2000.

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed in its entirety. The issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY, INC.** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE CO.
800 BRAZOS, SUITE 750
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge